

Application No. 10/774,037  
Reply to Office Action of September 20, 2006

**REMARKS / ARGUMENTS**

The present application includes pending claims 1-49, all of which have been rejected. By this Amendment, claims 1-6, 8-14, 16-22, 24-30, 32-38, 40-46, and 48-49 have been amended, as set forth above, to further clarify the language used in these claims and to further prosecution of the present application. The Applicant respectfully submits that the claims define patentable subject matter.

Initially, the Applicant notes that a goal of patent examination is to provide a prompt and complete examination of a patent application.

It is essential that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the *initial review* of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, Office personnel *should* state *all* reasons and bases for rejecting claims in the *first* Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

See Manual of Patent Examining Procedure (MPEP) § 2106(II). As such, the Applicant assumes, based on the goals of patent examination noted above, that the present Office Action has set forth "all reasons and bases" for rejecting the claims.

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Claims 1-49 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2004/0230997, issued to Kaylani (hereinafter, Kaylani). The Applicant respectfully traverses these rejections at least for the reasons previously set forth during prosecution and at least based on the following remarks.

## **REJECTION UNDER 35 U.S.C. § 102**

### **I. Kaylani Does Not Anticipate Claims 1-49**

The Applicant first turns to the rejection of claims 1-49 under 35 U.S.C. 102(e) as being anticipated by Kaylani. With regard to the anticipation rejections under 102(b), MPEP 2131 states that “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See *id.* (internal citation omitted).

#### **A. Rejection of Independent Claim 1 under 35 U.S.C. § 102 (e)**

With regard to the rejection of independent claim 1 under 102(e), the Applicant submits that Kaylani does not disclose or suggest at least the limitation

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of "receiving, over the air, an inband signal **by a single chip integrated DTV receiver**," as recited by the Applicant in independent claim 1 (emphasis added). More specifically, Kaylani does not teach a single chip integrated digital television (DTV) receiver. The Office Action states the following:

Kaylani discloses a single chip integrated DTV receiver showing an inband receiving step (110), a digital inband demodulator (202), an out-of-band signal receiving step (note input to digital OOB demodulator 604), and a digital OOB demodulator (604) which meets the processing step as claimed.

See the Office Action at page 2. The Applicant respectfully disagrees. Kaylani discloses the following with regard to the transceiver system 104:

**transceiver system 104 comprises a cable modem disposed inside a single-chip set-top box system.** The single-chip architecture of transceiver system 104 enables, for example, interactive, personal, and/or enhanced television functionality, and/or broadband Internet access. Other components incorporated into the single-chip design of transceiver system 104 includes a personal video recorder (PVR), a high performance MIPS@ processor, an advanced graphics engine, and technology for mixed-signal integration. (emphasis added)

See Kaylani at paragraph 0028. Kaylani discloses only a cable signal set top box and does not disclose a single chip integrated DTV receiver. In fact, Kaylani does not disclose any DTV signal processing or an integrated DTV receiver. The

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Applicant further points out that digital television (DTV) signals are different from the cable signals of Kaylani. Therefore, the Applicant submits that Kaylani does not disclose or suggest at least the limitation of "receiving, over the air, an inband signal by a single chip integrated DTV receiver," as recited by the Applicant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Kaylani and is allowable. Independent claims 17 and 33 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 17 and 33 are also allowable over the reference cited in the Office Action at least for the reasons stated above with regard to claim 1.

**B. Rejection of Dependent Claims 2-16, 18-32 and 34-49**

Based on at least the foregoing, the Applicant believes the rejection of independent claims 2-16, 18-32 and 34-49 under 35 U.S.C. § 102(e) as being anticipated by Kaylani has been overcome and requests that the rejection be withdrawn. Additionally, claims 2-16, 18-32 and 34-49 depend from independent claims 1, 17 and 33, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2-16, 18-32 and 34-49.

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**CONCLUSION**

Based on at least the foregoing, the Applicant believes that all claims 1-49 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and request that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,



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